

**Conservation Commission Minutes – April 25, 2019**  
**at 6:30 PM in the Council Chambers on the Second Floor of the Municipal Office Building,**  
**66 Central Square, Bridgewater, Massachusetts**

**Attendees:**

Present: Marilyn MacDonald, Chair; Harry Bailey, Vice-Chair; Eileen Prisco, Member, Tiffany Souza, Member. Azu Etoniru, Conservation Agent; Lisa Fields, Executive Assistant

Absent:

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**Conservation Business**

**Greenbrier Lane Wetland Enforcement Order Status Update**

Cindy Danksewicz – 121 Greenbrier Lane addressed the Commission and indicated that Mr. Donald Sweetman, Jr. was unable to attend due to work commitment. Ms. Danksewicz shared quotes received for paving of shared driveway and indicated both parties selected Hide Paving for the project. The scope of the project involved the relocation of several large boulders and the creation of a Cape Cod berm. Asphalt will go around the present catch basin and nothing will collect there any longer. The drainage on the Danksewicz side has created vegetative wetlands on the Sweetman side and Mr. Sweetman understands he can no longer park in the affected area. Dig Safe has been out and marked the area. Mr. Danksewicz removed asphalt debris from the wetlands. She also indicated that the vegetation has grown. Ms. Danksewicz indicated they are on the agenda for the paving as soon as the area dries out.

Marilyn MacDonald, Chair, summarized why the two parties were called before the Commission and indicated that the paving project is the permanent solution they had requested. Commission members were on site April 25<sup>th</sup> and the erosion control measures were in place. Ms. MacDonald asked that the parties notify the Commission when a date for the paving is confirmed.

**Conservation Commission – Old Business**

**Notice of Intent – High Street, 1400, 1420, and 1425, Map 14, Parcels 11, 12, and 17**

Marilyn MacDonald, Chair, opened the hearing and read into the record an email from Stantec Engineering dated April 18, 2019 asking for a continuance due to the proposed removal of the office building and associated parking from the project. The Chair entertain a motion to continue.

Eileen Prisco, Member, made a motion to continue the hearing for Notice of Intent – High Street, 1400, 1420, and 1425, Map 14, Parcels 11, 12, and 17 to May 9, 2019 at 6:30pm. Harry Bailey, Vice Chair, seconded. VOTE: All in favor, none opposed.

**Notice of Intent – “0” Curve Street, Map 77/78/91, Parcel 18/1, 2, 3, 4, 5, 110/1, 2, 3, 6 – (Duxborrow Estates 40B)**

Marilyn MacDonald opened the hearing regarding the Notice of Intent for Duxborrow Estates.

Rebecca Baptista - Silva Engineering – 1615 Bedford Street, Bridgewater, addressed the Commission and indicated the site had been staked out as requested for a site walk and review of the proposed work within the buffer zone. She asked if the Commission had any questions.

Marilyn MacDonald, Chair, indicated the Commission Members completed the site walk and had no further questions or comments. The Conservation Agent asked if the project was approved by the Zoning Board of Appeals and was answered in the affirmative. The Conservation Agent recommended closing the hearing.

**APPROVED: May 9, 2019**

Eileen Prisco, Member, made a motion to close the hearing on Notice of Intent – “0” Curve Street, Map 77/78/91, Parcel 18/1, 2, 3, 4, 5, 110/1, 2, 3, 6. Harry Bailey, Vice Chair, second. VOTE: All in favor; none apposed

Marilyn MacDonald, Chair, entertained a motion to adjourn for a 10-minute recess.

**Conservation Business**

**Review of Request for Certificate of Compliance – Elm Street, Map 30, Lot 1-4**

The Commission reviewed the request for a Certificate of Compliance on Elm Street, Map 30, Lot 1-4 and Marilyn MacDonald, Chair, entertained a motion to approve and issue.

Eileen Prisco, Member, made a motion to approve and issue the Certificate of Compliance for Elm Street, Map 30, Lot 1-4. Harry Bailey, Vice Chair, seconded. VOTE: All in favor; none apposed

**Greenbrier Lane Wetland Enforcement Order Status Update**

Sean McNeill – 115 Greenbrier Lane approached and addressed the Commission to ask about Greenbrier Lane Wetland Enforcement Order. The Commission informed him that a paving company had been hired and the permanent solution is in place.

**Review of Meeting Minutes**

The Commission reviewed the meeting minutes from the April 11, 2019 meeting. Eileen Prisco, Member, made a motion to approve the minutes from April 11, 2019 as written. Harry Bailey, Vice Chair, seconded the motion. VOTE: All in favor, none opposed.

**Conservation Commission – New Business**

**Notice of Intent – Old Forest Street**

Marilyn MacDonald, Chair, referenced an email from Silva Engineering dated April 23, 2019 requesting a continuation of the hearing to May 9, 2019 at 6:30pm.

**Notice of Intent - Scotland Boulevard, Map 59, Lot 14**

Marilyn MacDonald, Chair, opened the hearing on the notice of intent for Scotland Boulevard and read the Public Hearing Notice into the record. Applicant proposing an 800’ access roadway and construction of a 6,700 square foot commercial building within a bordering vegetated wetland located on Scotland Boulevard.

Dave Klenert – Collins Civil Engineering Group – 225 South Main Street, West Bridgewater, representing applicant Ted Parker for the development of Scotland Boulevard, addressed the Commission and discussed the scope of proposed work to include an 800’ access drive and 6-8,000 SF commercial building. Shared maps showing the proposed work area located inside the Hockomock Swamp. He indicated that the flags have been refreshed and the 25’ buffer zone has been staked out as well as the center line of the road and the building location. Requested comments from the Commission.

Marilyn MacDonald, Chair, asked if the Commissioners had any questions and/or comments. Hearing none she asked the Conservation Agent for input. The Agent requested that Collins Engineering send the Commission a plan showing the location of the stakes and flags to be used on the site walk.

**APPROVED: May 9, 2019**

Marilyn MacDonald, Chair, asked the public for comments and/or questions and hearing none entertained a motion to continue the hearing.

Eileen Prisco, Member, made a motion to continue the hearing on Scotland Boulevard, Map 59, Lot 14 to May 9, 2019 at 6:30pm to allow for a site walk by Commission Members. Harry Bailey, Vice Chair seconded. VOTE: All in favor; none apposed.

COMMISSION RECESSED UNTIL 7:15PM - Public Hearing Notice on South Street indicated 7:15pm

**Notice of Intent – South Street, Map 125, Lot 89**

Marilyn MacDonald, Chair, opened the hearing by reading the Public Hearing Notice into the record. Applicant proposes the construction of a 4-lot residential, 16' wide subdivision roadway with related grading within the 100' buffer zone, requiring a wetland crossing and 992 square foot filing along with a 1,526 square foot replication area.

Michael Koska – Michael J. Koska & Associates – 98 Board Street, Bridgewater, addressed the Commission representing the applicant Charles Macy - CLM Development, LLC. Mr. Koska discussed the proposed work in detail and shared plans titled "Definitive Subdivision Plan – South Farm Estates, Map 125, Lot 89, south Street, Bridgewater, MA" dated 01/31/19 showing lot layouts, wetlands crossing location, proposed roadway.

Mr, Koska summarized the notice of intent stating it was for a 4-lot subdivision, 16' wide roadway, swales on both sides to control the runoff from the road, grass lined swales to hold any storm water, replication area and wetland crossing. If construction activities for the individual houses are within 100' of the wetlands, individual notices of intent would be filed and that tonight's notice of intent is for roadway construction only.

Marilyn MacDonald, Chair, stated a site walk visit is needed to view the replication area and wetlands crossing. Mr. Koska indicated that all flags have been refreshed. Ms. MacDonald further requested that the center line of the roadway be staked out prior to the site walk. Hearing no further questions or comments from the Commission Members, the Conservation Agent was asked for input on the filing.

Conservation Agent addressed the Commission and stated, as full disclosure, that Mr. Morris, who is working with Mr. Charles Macy the developer, use to be on the Conservation Commission years ago and that the Agent worked for him in 2009 in Abington for a subdivision.

The Agent further discussed that the South Street property came before the Commission by the previous owner, Paul Kennedy, for proposed forestry and the project was reviewed by the State. However, the owner would not comply with local requirements at the time and the Commission issued a determination that any work on the property would be in violation and they would have to return to the Commission for separate filings. They did come back and applied for a filing to do some test pits for forestry and evidence of the pits will be visible but do not relate to the current project by the new owner.

The Agent also addressed the Commission recommending they take special note of stormwater management due to the length of the proposed road and to note what the preamble for wetlands crossing says on impact on wetlands. The DEP guidelines are to avoid filling wetlands, if you cannot avoid, minimize and then mitigate. And it is further important to note that while the regulations allow wetlands filling, it does not mandate that you allow wetlands filling. This is the Commission's prerogative. The impact to the buffer zone is to be looked at carefully and whether a disturbance there is necessary. He indicated he has dual responsibility as Conservation Agent and Town Engineer and will be looking at the subdivision control law for the Planning Board for their meeting in May.

Marilyn MacDonald, Chair, advised Mr. Mike Koska to notify the Commission when the site is prepped as requested so they can arrange for and post a date and time for their site walk.

**APPROVED: May 9, 2019**

Ms. Marilyn MacDonald, Chair, addressed the audience and asked if there were any questions or comments.

Gerry Muller - 115 Atkinson Drive, Bridgewater, South Street abutter, addressed the Commission regarding his concerns about the height of the current water table and that the houses in his development are close to being under water. The water drainage needs to flow unimpeded from their development, away from the houses down to the pond. He asked if the Commission will be looking at the impact of the project on the water flow in the area and addressing drainage.

Marilyn MacDonald, Chair, stated it is the Commissions responsibility to make sure no one is affected by development, they will be walking the site and evaluating it, and will rely heavily on the Conservation Agents' expertise.

Mike Koska addressed the Chair and indicated he would put together maps that indicate the general drainage patterns from the area to be developed as well as Atkinson Drive to help with the evaluation.

Michael Balestra - 1915 South direct abutter addressed the Commission spoke regarding the current effect that the first house and roadway has had on his property and his concerns that safeguards will be made to stop his property from being flooded. He voiced concerns that the initial work done for the first house was not sufficient. Mr. Balestra raised concerns of a conflict of interest between the Town Engineer and the developer and indicated an independent Engineer for the project may be warranted. He feels the areas marked as wetlands before were inaccurate.

Marilyn MacDonald, Chair, stated that the current proposal is for a roadway only and that the existing house was not under their jurisdiction when constructed. Ms. MacDonald stated this current filing is what will allow the Commission to walk the site and make sure the stormwater calculations are correct. Ms. MacDonald addressed the conflict of interest issue saying there would need to be evidence of financial gain for the Town Engineer and that he is not presently in a business relationship with Mr. Morris but will investigate. Mr. Balestra was referred to the Town Manager's office if he wants to pursue his conflict of interest complaint.

Hearing no further discussion, the Chair entertained a motion to continue the hearing.

Eileen Prisco, Member, made a motion to continue the hearing on the Notice of Intent for South Street, Map 125, Lot 89 to May 9, 2019 at 6:30pm to allow for a site walk visit by the Commission. Harry Bailey, Vice Chair, seconded. VOTE: all in favor, none apposed.

**Notice of Intent – 23 Mill Street, Map 24, Lot 23**

Marilyn MacDonald, Chair, opened the hearing on the Notice of Intent for 23 Mill Street by reading the Public Hearing Notice into the record. Applicant proposes to undertake dam maintenance consisting of grass mowing, shrub trimming, removal of obstructions preventing access, small tree removal and concrete repair of existing headwalls. Work to take place at Plymouth Street and Blood Pond.

Marilyn MacDonald, Chair, noted that Member, Eileen Prisco will be abstaining due to her working in real estate.

Michael J. Koska – Michael J. Koska & Associates - 98 Board Street, Bridgewater representing the applicant Paul and Beverly Groppi, addressed the Commission. The homeowners received a letter from the Department of Conservation and Recreation requiring them to maintain the dam on their property. The required activities would be within 100' of a resource area and a Notice of Intent Order of Conditions is needed to in order to complete the work legally.

Mr. Koska inquired of the Commission as to how best to follow the Order of Conditions and whether they have to file every three years. The Conservation Agent indicated that they can file for an extension of the Order of Conditions thirty days before the order expires at no fee.

Hearing no further discussion from the Commission the Chair asked if there were any questions or comments from the audience.

**APPROVED: May 9, 2019**

Dawn-Marie and Ron Buttafoco - 20 Jillian's way. Addressed the Commission and spoke in opposition to the amount of tree cutting at 23 Mill Street and the possible disturbance of the stream and wetlands on the property. Marilyn MacDonald, Chair, indicated that personal property can own waterways and the property owner has a right to post signs. If the Commission receives a complaint notice they can look into the work being done in the wetlands area and if need be can issue an enforcement order.

Ted Loycano - 10 Jillian's way. Addressed the Commission to clarify the procedure to follow if he feels the homeowners are disturbing the wetlands. Marilyn MacDonald, Chair, indicated he could notify the Conservation Commission office and they would take a look at the work being done in the wetlands area.

Patrick and Sharon Healy - 80 Mill Street – Mr. Healy addressed the Commission and spoke in support of Paul and Beverly as good neighbors and asked that the Town support them.

Mike Groppi - 23 Mill Street – Addressed the Commission and clarified the work he has undertaken on his property and stated the reasons he has posted no trespassing sign. Marilyn MacDonald, Chair, indicated that they have a right to post signs on their property but if there if a complaint is filed, they would need to take a look.

Marilyn MacDonald, Chair, indicated that a wetlands specialist should be consulted prior to the removal of trees in the wetland area. Mr. Groppi indicated that he had spoken with the Conservation agent and was advised on what he could and could not remove.

Marilyn MacDonald, Chair, entertained a motion to close the hearing.

Harry Bailey, Vice Chair, made a motioned to close the hearing on the Notice of Intent for 23 Mill Street, Map 23, Lot. Tiffany Souza, Member, seconded. VOTE: Three in favor; one abstention, none apposed.

Harry Bailey, Vice Chair, made a motioned to approve the Notice of Intent for dam maintenance work for 23 Mill Street, Map 23, Lot. Tiffany Souza, Member, seconded. VOTE: Three in favor; one abstention, none apposed.

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Commissioner, Harry Bailey, made a motion to adjourn the regular meeting at 8:06 pm. Commissioner Tiffany Souza, seconded the motion. VOTE: All in favor, none opposed. Marilyn MacDonald, Chair, closed the meeting. Next meeting will be on May 9, 2019 at 6:30pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Sq, Bridgewater.

Respectfully submitted,

Lisa D. Fields  
Executive Assistant